

REMARKS

Claims 1-19 are pending and subject to restriction to:

Group I: claims 1-6, 16 and 17 drawn to products

and

Group II: claims 7-15, 18 and 19 drawn to processes for making.


Applicants elect the claims of Group I without traverse and authorize the Examiner to withdraw claims 7-15, 18 and 19 from consideration.

Applicants respectfully submit that claims 1-6, 16 and 17 are now in condition for allowance. Accordingly, Applicants respectfully request rejoinder of claims 7-15, 18 and 19.

Claims 7-15 depend either directly or indirectly from claim 3 or 5 (through the multiple dependencies of claims 7 and 12). Therefore, claims 7-15 include all the limitations of either claim 3 or claim 5. While claims 18 and 19 are independent, they recite that atorvastatin calcium Form V, or hydrate thereof, is isolated as the product. Accordingly, those claims include all of the limitations of claim 1. Early and favorable action by the Examiner is earnestly solicited. If the Examiner believes that issues may be resolved by a telephone interview, the Examiner is urged to telephone the undersigned at the number below. The undersigned may also be contacted by email at pjohnson@kenyon.com.

Respectfully Submitted,

Dated: February 24, 2004


Paul Johnson
Reg. No. 35,559

KENYON & KENYON
1500 K Street, Suite 700
Washington, DC 20005
Direct Dial: (202)-220-4215
Fax: (202)-220-4201